

Washington State Department of Agriculture  
**CR-102 Form-Attachment (c) Summary:**

Proposed Repeal of:

- WAC 16-200-890 Definitions.
- WAC 16-200-900 Registration requirements.
- WAC 16-200-910 Refusing or canceling registration-Procedure.
- WAC 16-200-920 Quality standards.
- WAC 16-200-930 Labeling requirements of animal waste products.
- WAC 16-200-940 Testing required.
- WAC 16-200-950 Records required.

Proposed Adoption of Chapter 16-256 WAC Commercial Feed Rules: Processed Animal Waste

The proposed new chapter 16-256 WAC creates a set of regulations that are easy to understand and use, reflect current national standards as expressed in the Association of American Feed Control Officer (AAFCO) model regulations, safeguard public and animal health, establish a structure for orderly commerce with other states by ensuring that WSDA processed animal waste rules are consistent with AAFCO model regulations, and provide protection for consumers and the regulated industry.

These goals are accomplished without major changes in current processed animal waste requirements. Most requirements in the proposed new chapter are either identical or substantially the same as the requirements in the current processed animal waste sections of chapter 16-200 WAC. The big difference between the current and proposed rules is that the proposed new chapter is written more clearly and organized in a more “user friendly” way than the current rules.

Specifically, the new processed animal waste chapter:

**(1) Addresses the specific needs of the Washington state processed animal waste industry.**

The current rules regulating processed animal waste are buried in the last seven sections of chapter 16-200 WAC, Feeds, Fertilizers and Livestock Remedies. The new chapter 16-256 WAC, Commercial Feed Rules: Processed Animal Waste clearly identifies the industry being regulated and contains only regulations that are pertinent to that industry.

**(2) Is written in a clear and readable style that allows users to more easily understand and apply WSDA processed animal waste rules.**

Compare the following examples. Both contain substantially the same requirements but the new rule, because of format changes and the use of plain English is easier to read and understand. Also, notice how the current rule requires that records be kept but doesn't specify for how long. A month? A year? Indefinitely? The new rule removes the ambiguity and specifies "two years".

<b>Current WAC 16-200-940</b>	<b>New WAC 16-256-040</b>
(2) Any person seeking or receiving registration of any processed animal waste product shall test, by representative sampling and assaying of such samples, and keep accurate records thereof, the processed animal waste product for which the registration is sought or received.	(2) Any person seeking or maintaining a commercial feed license for any processed animal waste product facility must: <ul style="list-style-type: none"><li>(a) Test those products, by representative sampling;</li><li>(b) Analyze those samples; and</li><li>(c) Keep accurate records of the test results for two years.</li></ul>
(3) The sample shall be of sufficient size so as to provide meaningful data, statistically reliable in carrying out the purpose of such sampling and analysis.	(3) The sample used must be of sufficient size to provide meaningful data that is statistically reliable.

**(3) Uses tables to clearly and succinctly present information wherever possible and appropriate.**

Notice how the current WAC 16-200-920 (Quality standards) presents information regarding certain dried animal waste products:

- (2) Dried poultry waste shall contain:
  - (a) Not less than 20.00 percent crude protein
  - (b) Not more than 15.00 percent crude fiber
  - (c) Not more than 35.00 percent ash
  - (d) Not more than 1.00 percent feathers
  - (e) Not more than 12.00 percent moisture
  - (f) Not more than 10.00 percent litter
- (3) Dried poultry waste - NPN extracted shall contain:
  - (a) Not less than 12.00 percent crude protein
  - (b) Not more than 15.00 percent crude fiber
  - (c) Not more than 35.00 percent ash
  - (d) Not more than 1.00 percent feathers
  - (e) Not more than 12.00 percent moisture
  - (f) Not more than 10.00 percent litter
- (4) Dried poultry litter shall contain:
  - (a) Not less than 18.00 percent crude protein
  - (b) Not more than 40.00 percent crude fiber
  - (c) Not more than 30.00 percent ash
  - (d) Not more than 5.00 percent feathers
  - (e) Not more than 12.00 percent moisture
- (5) Dried ruminant waste shall contain:
  - (a) Not less than 12.00 percent crude protein
  - (b) Not more than 30.00 percent crude fiber
  - (c) Not more than 30.00 percent ash
  - (d) Not more than 40.00 percent combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials
  - (e) Not more than 12.00 percent moisture

Now, notice how the same information is presented in the new section, WAC 16-256-070 (Quality standards for processed animal waste products):

(1) Dried animal waste products must comply with the requirements in the following table:

DRIED ANIMAL WASTE PRODUCTS					
	Required Minimum/Maximum Content	Dried Poultry Waste	Dried Poultry Waste-NPN Extracted	Dried Poultry Litter	Dried Ruminant Waste
Crude protein	At least	18.00%	11.00%	18.00%	12.00%
Crude fiber	No more than	15.00%	15.00%	25.00%	40.00%
Moisture	No more than	12.00%	12.00%	12.00%	12.00%
Ash	No more than	30.00%	30.00%	20.00%	30.00%
Feathers	No more than	1.00%	1.00%	4.00%	N/A
Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials	No more than	N/A	N/A	N/A	40.00%

**(4) By incorporating applicable parts of the Association of American Feed Control Officials (AAFCO) model regulations, helps increase the flow of trade and information and promotes regulatory consistency between Washington's processed animal waste industry and the processed animal waste industry in our sister states.**

In several sections of the proposed new chapter 16-256 WAC, language has been added to ensure that the WSDA rule is consistent with AAFCO's Processed Animal Waste Model Regulations. For example, the following was added to WAC 16-256-030 to make the department's rule more consistent with AAFCO and the regulations of our sister states:

(3) If the product derives one-third or more of the guaranteed total crude protein from nonprotein nitrogen sources, the label shall provide adequate directions for safe use of the product and the precautionary statement:

"CAUTION: USE ONLY AS DIRECTED."

For similar reasons, the following was added to WAC 16-256-040(6):

(6) Sequential testing is required when the periodic analyses required by WAC 16-256-040(4) or other information available to the manufacturer of the ingredient indicates that:

- (a) The ingredients are not within the limitations established in these regulations;
- (b) Changes are made in the manufacturing process;
- (c) New or expanded sources of the raw ingredients are used; or
- (d) Changes occur in the drugs or pesticides used by the supplier(s) of the raw ingredient(s).

A final example illustrates how current requirements can be updated to reflect AAFCO percentages and combined in a table format for easy use:

(1) Dried animal waste products must comply with the requirements in the following table:

<b>DRIED ANIMAL WASTE PRODUCTS</b>					
	<b>Required Minimum/Maximum Content</b>	<b>Dried Poultry Waste</b>	<b>Dried Poultry Waste-NPN Extracted</b>	<b>Dried Poultry Litter</b>	<b>Dried Ruminant Waste</b>
<b>Crude protein</b>	At least	18.00%	11.00%	18.00%	12.00%
<b>Crude fiber</b>	No more than	15.00%	15.00%	25.00%	40.00%
<b>Moisture</b>	No more than	12.00%	12.00%	12.00%	12.00%
<b>Ash</b>	No more than	30.00%	30.00%	20.00%	30.00%
<b>Feathers</b>	No more than	1.00%	1.00%	4.00%	N/A
<b>Combined straw, wood, wood shavings, litter, dirt, sand, rocks, and other similar extraneous materials</b>	No more than	N/A	N/A	N/A	40.00%

**(5) Safeguards public health and the health of animals and provides increased protection for consumers and the regulated industry.**

A good example of the department's concern for public health, animal health, consumer protection and protection of the industry is the proposed requirement that a "lot identifier" be included on a product label [WAC 16-256-030(5)(a)]. A lot identifier becomes important when a product must be recalled. In addition to protecting consumers, animals and the industry, this requirement brings the department into compliance with FDA requirements under the Bioterrorism Act.

To ensure that everyone using the rule understands what a "lot identifier is, a definition is included in WAC 16-256-010

**(6) Updates the department's processed animal waste regulations to reflect current statutory requirements.**

When the current processed animal waste rules were adopted in 1976, industry members were registered with the department. When chapter 15.53 RCW, Commercial Feed, was enacted by the Legislature in 1995, industry members were required to be licensed by the department rather than registering with it. Consequently, "registrants" became "licensees" but the current rule still discusses registration requirements. In the new chapter 16-256 WAC, in compliance with chapter 15.53 RCW, registration requirements have been changed to license requirements.